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| 10/827,242 | 04/20/2004 | Jan Hinrichs | 4881-0106P | 2536 |
| 2292 | 7590 | 01/19/2006 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH | | | BRAHAN, THOMAS J | |
| PO BOX 747 | | | ART UNIT | |
| FALLS CHURCH, VA 22040-0747 | | | PAPER NUMBER | |

3654

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/827,242

Applicant(s)

HINRICHS ET AL.

Examiner

Thomas J. Brahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-10, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 4-6 and 11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/20/04</u> . | 6) <input type="checkbox"/> Other: ____. |

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1. Claims 4-6 and 11 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim must refer to the claims from which they depend in the alternative. See MPEP § 608.01(n). Accordingly, the claims 4-6 and 11 have not been further treated on the merits.

2. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

3. Claims 1-13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example:

- a. The preamble of the claims is confusing. Are the claims drawn to a bending joint or a device for bending a joint?
- b. In claim 1, lines 1-3, the limitations "bending device" and "comprising a joint area which is bent" appear to be inaccurate and confusing as the boom structures are pivoted, not bent.
- c. In claim 1, line 3, the term "said folding pinnacle" lacks antecedent basis within the claim.
- d. In the last three lines of claim 1, the two alternative structure limitations, "its upper or tensile load areas" and "it lower or pressure load area" are confusing. Are these statements reciting that the upper area is the tensile load area and that the lower area is the pressure load area, or are these statements alternatively reciting that
- e. It is unclear as to how claim 3 can refer to "said telescopic means or telescopic pipe" when claim 2, from which it depends has limited the telescopic means to a telescopic pipe.
- f. It is unclear whether the support bolts added in claim 7 are a redundant inclusion of the support element of claim 3.
- g. It is unclear as to how claim 7 can recite plural bolts while a singular bolt is disclosed.
- h. The round or cornered base pipe added by claim 8 appears to be the same element as the pipe of claim 3.
- i. In claim 10, the phrase "in particular" renders the claim indefinite.
- j. In claim 10, the terms "the lower, supporting end", "the extending element", "the upper end" and "the holding element" lack antecedent basis within the claims.
- k. In claim 12, the term "the piston base" lacks antecedent basis within the claims.
- l. In claim 12, it is unclear as to how applicant is using the term "centring".
- m. In claim 13, the term "the telescopic pipe" lacks antecedent basis within the claims.

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 7, 12 and 13, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Koizumi, US Patent No. 4,923,071. Figure 1 Koizumi '071 shows a folding joint for the pinnacle of a mobile crane comprising an upper area with a joint (7) and a lower area with a mechanically fixable telescoping means (6). The telescopic means included a telescopic pipe (31), as recited in claim 2, and a support element (32), as recited in claim 3. The telescoping means is a round pipe and has transverse bores for receiving a bolt, as claim 7 is best understood. The transverse bores form a groove for centering an axis of the piston, as claim 12 is best understood. The telescopic means has elements, as recited in claim 13.

6. Claims 1-3, 7-10, 12 and 13, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Payson. Payson shows a folding joint for the pinnacle of a mobile crane comprising an upper area with a joint (84) and a lower area with a mechanically fixable telescoping means (29/30). The telescopic means included a telescopic pipe (29), as recited in claim 2, and a support element (39), as recited in claim 3. The round base pipe (29) has support bolts (pin teeth 32) received in transverse bores (31) in the piston (30), as recited in claim 7. These pin teeth (32) are rounded as to considered as the lateral inserts that guide and center the movements of the piston (30), as recited in claim 8. The lateral inserts are hubs, as broadly recited in claim 9. The cutout portion of the pipe (29) in which the gear (33) for the teeth (32) rotates, is a groove, as recited in claim 12. The telescopic means have components such as (pin 39'; see figure 4) such that they do not detach, as recited in claim 10, and has elements, as broadly recited in claim 13.


7. Claims 1-3, 10 and 13, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Koizumi, US Patent No. 5,115,925. Koizumi '925 shows a folding joint for the pinnacle of a mobile crane comprising an upper area with a joint (11a) and a lower area with a mechanically fixable telescoping means (3). The telescopic means included a telescopic pipe (32), as recited in claim 2, and a support element (5), as recited in claim 3. The telescopic means has securing devices (34 and 35) as to prevent detachment, as recited in claim 10 and elements, as broadly recited in claim 13.

8. Claims 1-3, 7 and 10, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Bakhtin et al and by Wardlaw. Bakhtin et al shows a joint for the pinnacle of a mobile crane comprising an upper area with a joint and a lower area with a mechanically fixable telescoping means (1) having transverse holes for receiving support bolts. Wardlaw shows a joint for the pinnacle of a mobile crane comprising an upper area with a joint (168) and a lower area with a telescopic means (182/184) with transverse holes (188) for receiving bolts (190).

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9. Rath and Koizumi '724 are cited as showing similar fly jib supports. Schroeder, Geren, Nesbit and Blakeway et al show boom braces with guided pistons.

10. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Ms. Katherine Matecki, can be reached at (571) 272-6951. The new fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thomas J. Brahan
Primary Examiner
Art Unit 36544